

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO(S): 34-2416D)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-208

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 11, 2022, Danny Waddoups submitted the attached temporary change application to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of the portion of right 34-2416D included in this temporary change is authorized only at the point(s) of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Rights 34-311A, 34-622D, and 34-2416D when combined shall not exceed a total diversion rate of 2.29 cfs and the irrigation of 80 acres.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 31, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 17th day of May, 2022.



James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 2022

Department of Water Resources
Eastern Region

TC-34-208

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Danny Waddoups Phone _____
Mailing Address 2775 N. 3520 W., Moore, ID 83255 Email _____

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Because of the drought, the Applicant's surface water rights are no longer available. This Application seeks to
change the place of use of a 16-acre portion of Water Right No. 34-2416D to move water from corners that will not
be irrigated to portions of the same pivot that are not covered by a ground water right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>34-2416D</u> | <u>05/16/1961</u> | <u>0.32 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.32 cubic feet per second and/or 80 acre-feet per annum.
- Source of water Ground water tributary to _____.
- Point(s) of diversion:

Twsp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	05		SE	SE	SW	Butte	Ground water	

- Lands irrigated or place of use:

Twsp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	08		16															16

Total Acres 16

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The current place of use will not be irrigated.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? The Applicant would try to utilize the water right at its current authorized place of use.
- f. Describe other water rights used for the same purpose. 34-496B and 34-692E (both surface water rights not in
- g. Remarks: PART f. cont.: priority or not deliverable).

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert M. Mendenhall
Signature of Applicant

May 11, 2022
Date

FOR DEPARTMENT USE ONLY

Received by CTH Date 5/11/22 \$50 fee received by CTH Receipt No. E048127
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

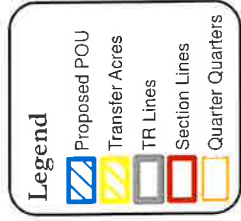
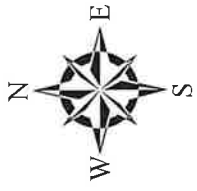
See attached order.

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

WADDOUPS WR No. 34-2416D



2021 NAIP Photo



Prepared by:
Luke H. Marchant
05/11/2022

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-208Applicant's Name: DANNY WADDUPS

Watermaster's Recommendation:

a) LY I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

c) _____ I oppose approval of this application for the following reasons: _____

d) _____ Additional Comment: _____

Dated this 13 day of May, 2022Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned have reviewed the Temporary Change Applications which are being submitted to the Idaho Department of Water Resources which involve water rights on my property. We have been working together and coordinating these transfers, and have reviewed it in detail, and I consent to the movement of water rights on my property as requested in the Temporary Change Applications.



KEITH WADDOUPS

Date: 5-12-22